

CITY OF TIGARD, OREGON

RESOLUTION NO. 04- 53

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 30 (SW 121<sup>ST</sup> AVENUE.)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and


WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

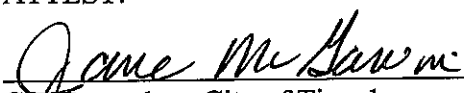
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1      The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 30", attached hereto as Exhibit A, is hereby approved.
- SECTION 2      A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 30, SW 121<sup>st</sup> Avenue."
- SECTION 3      Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4      An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5      The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6      This resolution is effective upon passage.

PASSED:      This 13<sup>th</sup> day of July 2004.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
~~City Recorder - City of Tigard~~  
Jane McGarvin, Deputy City Recorder

RESOLUTION NO. 04- 53

## **Exhibit A**

### **City Engineer's Report Sanitary Sewer Reimbursement District No. 30 (SW 121<sup>st</sup> Avenue)**

#### Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,535, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

#### Project Area - Zone of Benefit

Serving the sixty-seven lots in the following Schedule A list will require the extension of an existing sewer at SW 121<sup>st</sup> Avenue and Tippit Place. The three lots along the east side of SW 121<sup>st</sup> Avenue and south of Howard Drive currently may be served by an existing line along their SW 121<sup>st</sup> Street frontage. The purpose of including these three lots in the proposed district is to provide each lot with a service line to the mainline in the street. Because the work required to provide service to the lots listed in Schedule A differ in character from those in Schedule B, different methods of assigning costs are proposed.

The proposed project would provide sewer service to total of seventy lots as shown on Exhibit Map B.

Tax lot 800 is a 1.6 acre undeveloped lot between Alberta Street and James Road without access to a right-of-way. This lot is not proposed to be included in the district since the lot will not have access to the proposed sewer in Alberta Street. Providing service to this lot would require construction of a public sewer across other privately owned lots to reach the proposed Alberta Street sewer. This work would most likely be accomplished by the owner of the lot. The feasibility of such a project and the availability of the easements required for this construction are unknown. However, if the owner of the lot finds the project to be feasible, the line will be available for development of the lot although it is not included in the district.

#### Cost

The estimated cost for the sanitary sewer construction to provide service to the sixty-seven lots in Schedule A is \$754,001. Engineering and inspection fees amount to \$101,790 (13.5%) as defined in TMC 13.09.040(1). The estimated cost for the sanitary

sewer connection lines to the three lots in Schedule B is \$12,506. Engineering and inspection fees amount to \$1,688 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$869,986. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,535 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

### Reimbursement Rate

All properties within Schedule A are zoned R-4.5 but vary in lot size from 51,000 to 11,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of this portion of the project be divided among the sixty-seven properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

The cost of providing service lines to each of the three lots of Schedule B will be equal. Therefore, it is recommended that the total cost of this portion of the project be divided equally among the three lots.

**For the lots within the Schedule A portion of the project, each property owner's estimated fair share of the public sewer line is \$0.69 per square foot of the lot served. For the lots within the Schedule B portion of the project, each property owner's estimated fair share is \$4,732. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution 03-55 (attached).**

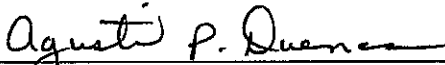
### Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

## Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 28, 2004



**Agustin P. Duenas, P.E.**  
City Engineer

I:\eng\2004-2005 fy c\p\121st sanitary reimbursement dist #30\city council formation\7-13-04 re\m dist 30 report app a.doc

# Reimbursement District No. 30 Schedule A

Estimated Cost to Property Owners

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	ESTIMATED	PAID BY OWNER	PAID BY CITY
					COST TO PROPERTY OWNER		
1	BEATY NORMA A	12170 SW JAMES ST	2S103CB02200	19996	\$13,848	\$6,000	\$7,848
2	BECKER GORDON S	12905 SW 121ST AVE	2S103BC01700	14857	\$10,289	\$6,000	\$4,289
3	BERGSTROM EDWARD A	12165 SW MARION ST	2S103CB02600	15950	\$11,046	\$6,000	\$5,046
4	BERINGER BRIAN J & ANN L	12290 SW MARION ST	2S103CB04100	14850	\$10,284	\$6,000	\$4,284
5	BETTENCOURT RICHARD ELLIS	13240 SW 121ST AVE	2S103CA00303	51494	\$35,660	\$26,660	\$9,000
6	BORST DONNA S	12150 SW JAMES ST	2S103CB02300	19963	\$13,825	\$6,000	\$7,825
7	BRUNNER LANE E & CYNTHIA M	12240 SW JAMES ST	2S103CB01900	19998	\$13,849	\$6,000	\$7,849
8	BUCHHOLZ KYLE J	12120 SW ALBERTA ST	2S103BC02700	17029	\$11,793	\$6,000	\$5,793
9	CHAVEZ JAIME A & KAREN	12295 SW ALBERTA ST	2S103BC02300	15111	\$10,465	\$6,000	\$4,465
10	CONN ALISSA L & MICHAEL L	12240 SW ALBERTA ST	2S103BC03100	15128	\$10,476	\$6,000	\$4,476
11	DAHL STEPHEN MARION S	12170 SW MARION ST	2S103CB04700	16234	\$11,242	\$6,000	\$5,242
12	DAWES RICHARD C & LISA A	12205 SW ALBERTA ST	2S103BC02000	15111	\$10,465	\$6,000	\$4,465
13	DELANO NELLIE M & GARY W	12185 SW MARION ST	2S103CB02601	15950	\$11,046	\$6,000	\$5,046
14	DENKER LES & DEBBIE	12260 SW JAMES ST	2S103CB01800	20139	\$13,947	\$6,000	\$7,947
15	DUNNING DRAKE D	12745 SW 121ST AVE	2S103BC01400	14057	\$9,735	\$6,000	\$3,735
16	ENG DEAN	13235 SW 121ST AVE	2S103CB02500	15681	\$10,859	\$6,000	\$4,859
17	GENTIS STEVEN W	12175 SW ALBERTA ST	2S103BC01900	15111	\$10,465	\$6,000	\$4,465
18	GROSSE' FAMILY TRUST	12185 SW JAMES ST	2S103CB00500	16284	\$11,277	\$6,000	\$5,277
19	HARRIS RONALD C AND LILA S	12285 SW MARION ST	2S103CB03001	15951	\$11,046	\$6,000	\$5,046
20	IVERSON LARRY T & SANDRA L	12220 SW JAMES ST	2S103CB02000	20000	\$13,850	\$6,000	\$7,850
21	JAGOSH JOHN	12145 SW JAMES ST	2S103CB00300	21976	\$15,219	\$6,219	\$9,000
22	JOHNSON H DALE AND	12245 SW MARION ST	2S103CB02900	15951	\$11,046	\$6,000	\$5,046
23	RUTH WOOD JONES HOLDINGS LLC	121ST AVE (VACANT)	2S103CA00309	19567	\$13,550	\$6,000	\$7,550
24	RUTH WOOD JONES HOLDINGS LLC	121ST AVE (VACANT)	2S103CA00310	17663	\$12,232	\$6,000	\$6,232
25	RUTH WOOD JONES HOLDINGS LLC	121ST AVE (VACANT)	2S103CA00311	17662	\$12,231	\$6,000	\$6,231
26	JONES RICHARD W	12190 SW MARION ST	2S103CB04600	15658	\$10,843	\$6,000	\$4,843
27	JOSEPH BRENDA M	11905 SW FONNER ST	2S103BD03700	15207	\$10,531	\$6,000	\$4,531
28	KAUSLER WILLIAM M & MELISSA J	12225 SW MARION ST	2S103CB02800	15951	\$11,046	\$6,000	\$5,046
29	KELLY DANIEL D & MELODIE	12180 SW ALBERTA ST	2S103BC02900	15128	\$10,476	\$6,000	\$4,476
30	KIRCHER ROBERT B	12970 SW 121ST AVE	2S103BD03500	19331	\$13,387	\$6,000	\$7,387
31	LANCASTER MICHAEL T	13035 SW 121ST AVE	2S103CB00100	19934	\$13,805	\$6,000	\$7,805
32	LAPLANTE FELIX F AND SALLY J	12145 SW ALBERTA ST	2S103BC01800	15111	\$10,465	\$6,000	\$4,465
33	LEAR JOE JR & JOANN	13065 SW 121ST AVE	2S103CB00200	15998	\$11,079	\$6,000	\$5,079
34	LOFGREN RICHARD W & PATRICIA M	11935 SW FONNER ST	2S103BD03600	16838	\$11,661	\$6,000	\$5,661
35	MENDE MICHAEL	FONNER	2S103CA00301	18238	\$12,630	\$6,000	\$6,630
36	MUNSON KURT R AND JULIA H	12205 SW MARION ST	2S103CB02700	15951	\$11,046	\$6,000	\$5,046
37	NASH FAMILY REV LIV TRUST	12270 SW ALBERTA ST	2S103BC03200	15128	\$10,476	\$6,000	\$4,476
38	NORRIS LONNIE D AND	13300 SW 121ST AVE	2S103CA00500	23445	\$16,236	\$7,236	\$9,000
39	NORTON CLAYTON E	12210 SW MARION ST	2S103CB04500	15820	\$10,956	\$6,000	\$4,956
40	OLIVER CHARLES A/BETH M	12300 SW ALBERTA ST	2S103BC03300	15128	\$10,476	\$6,000	\$4,476
41	OSGOOD CHERYL	12845 SW 121ST AVE	2S103BC01600	15586	\$10,794	\$6,000	\$4,794
42	OTTING JOHN H	12210 SW ALBERTA ST	2S103BC03000	15128	\$10,476	\$6,000	\$4,476
43	OWNBEY DAVID LLOYD	12230 SW MARION ST	2S103CB04400	15185	\$10,516	\$6,000	\$4,516
44	PALACIOS ARMANDO & PATRICIA &	12920 SW 121ST AVE	2S103BD03400	22686	\$15,710	\$6,710	\$9,000
45	PARKER BENJAMIN J & KIMBERLY A	13305 SW 121ST AVE	2S103CB04800	18358	\$12,713	\$6,000	\$6,713
46	PEDERSEN NORMAN LEROY & ALICE M	12265 SW ALBERTA ST	2S103BC02200	15111	\$10,465	\$6,000	\$4,465
47	PETITT THOMAS J & ERIN D	13400 SW 121ST AVE	2S103CA00603	23467	\$16,251	\$7,251	\$9,000
48	PRICE JOHN H & NORMA J	12270 SW MARION ST	2S103CB04200	15139	\$10,484	\$6,000	\$4,484
49	RAMIREZ EDUARDO & LUCIA	12840 SW 121ST AVE	2S103BD03200	11424	\$7,911	\$6,000	\$1,911
50	REED GEORGIA J LIVING TRUST	12795 SW 121ST AVE	2S103BC01500	15589	\$10,796	\$6,000	\$4,796
51	SCHMIDTMANN BRANDT & KAREN K	12215 SW JAMES ST	2S103CB00600	28973	\$20,064	\$11,064	\$9,000
52	SCHMIDTMANN BRANDT & KAREN K	JAMES RD	2S103CB00501	12688	\$8,787	\$6,000	\$2,787
53	SELNER JOHN JOSEPH & MAXINE ELL	12280 SW JAMES ST	2S103CB01701	17314	\$11,990	\$6,000	\$5,990
54	SHEPHERD NICHOLAS M	12265 SW MARION ST	2S103CB03000	15951	\$11,046	\$6,000	\$5,046
55	SITZMAN DEANE D/ANNA L	12235 SW ALBERTA ST	2S103BC02100	15111	\$10,465	\$6,000	\$4,465
56	SJULIN-GREGER FAMILY TRUST	13360 SW 121ST AVE	2S103CA00602	14989	\$10,380	\$6,000	\$4,380
57	SMITH SANDRA T	12880 SW 121ST AVE	2S103BD03300	23524	\$16,291	\$7,291	\$9,000
58	SPANGLER JAMES P & KAREN L	13270 SW 121ST AVE	2S103CA00400	22717	\$15,732	\$6,732	\$9,000
59	STAEHNKE BENJAMIN M	12165 SW JAMES ST	2S103CB00400	28971	\$20,063	\$11,063	\$9,000
60	STRENDING EDWARD MARIANN	12150 SW ALBERTA ST	2S103BC02800	15128	\$10,476	\$6,000	\$4,476
61	THORIN G KARIN	12190 SW JAMES ST	2S103CB02100	19999	\$13,850	\$6,000	\$7,850
62	TIBBETS GEORGE L FAMILY TRUSTEE	12235 SW JAMES ST	2S103CB00700	43464	\$30,100	\$21,100	\$9,000
63	TIBBETS KATHLEEN M	12275 SW JAMES ST	2S103CB01000	15774	\$10,924	\$6,000	\$4,924
64	VONADA GREG E & REBECCA M	12020 SW FONNER ST	2S103CA00302	21479	\$14,875	\$6,000	\$8,875
65	WALL KENT N & FRANCES P	13205 SW 121ST AVE	2S103CB02400	20001	\$13,851	\$6,000	\$7,851
66	WILLIAMS MICHAEL R	12250 SW MARION ST	2S103CB04300	15902	\$11,012	\$6,000	\$5,012
67	WILSON RONALD R DIANE M	13200 SW 121ST AVE	2S103CA00307	21534	\$14,913	\$6,000	\$8,913
Totals				1235771	\$855,791	\$453,326	\$402,465

PROJECT TOTAL (Paid by Owners + Paid by City)

\$855,791

121ST AVENUE  
Reimbursement District No. 30 Schedule A  
*Estimated Cost to Property Owners  
Summary*

<hr/>	
<b>Estimated Construction Cost</b>	<b>\$655,653</b>
15% contingency (construction)	\$98,348
<b>Estimated construction cost (plus contingency)</b>	<b>\$754,001</b>
<hr/>	
13.5% contingency (Admin & Eng)	\$101,790
<b>total project costs</b>	<b>\$855,791</b>
<hr/>	
total area to be served (S.F.)	1,235,771.00
<hr/>	
total cost per S.F. to property owner	<b>\$0.69</b>
<hr/>	

# Reimbursement District No. 30 Schedule B

*Estimated Cost to Property Owners*

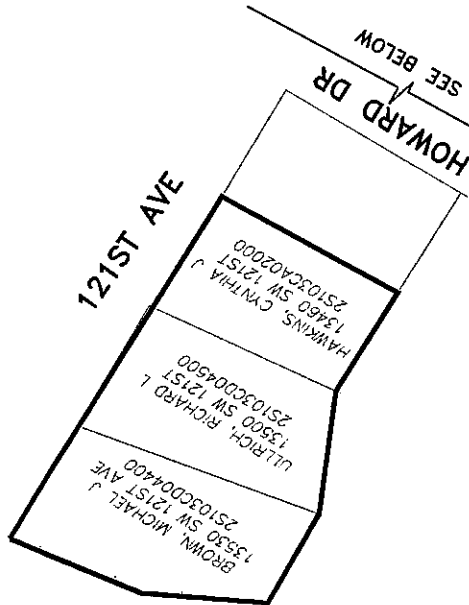
OWNER		SITE ADDRESS	TAX LOT ID	AREA (S.F.)	ESTIMATED COST TO PROPERTY OWNER
1	BROWN MICHAEL J &	13530 SW 121ST AVE	2S103CD04400	19088.44	\$4,731.67
2	HAWKINS CYNTHIA J	13460 SW 121ST AVE	2S103CA02000	15278.40	\$4,731.67
3	ULLRICH RICHARD L	13500 SW 121ST AVE	2S103CD04500	38610.84	\$4,731.67
Totals				72977.68	\$14,195
PROJECT TOTAL					\$14,195

**121ST AVENUE**  
**Reimbursement District No. 30 Schedule B**  
*Estimated Cost to Property Owners*  
**Summary**

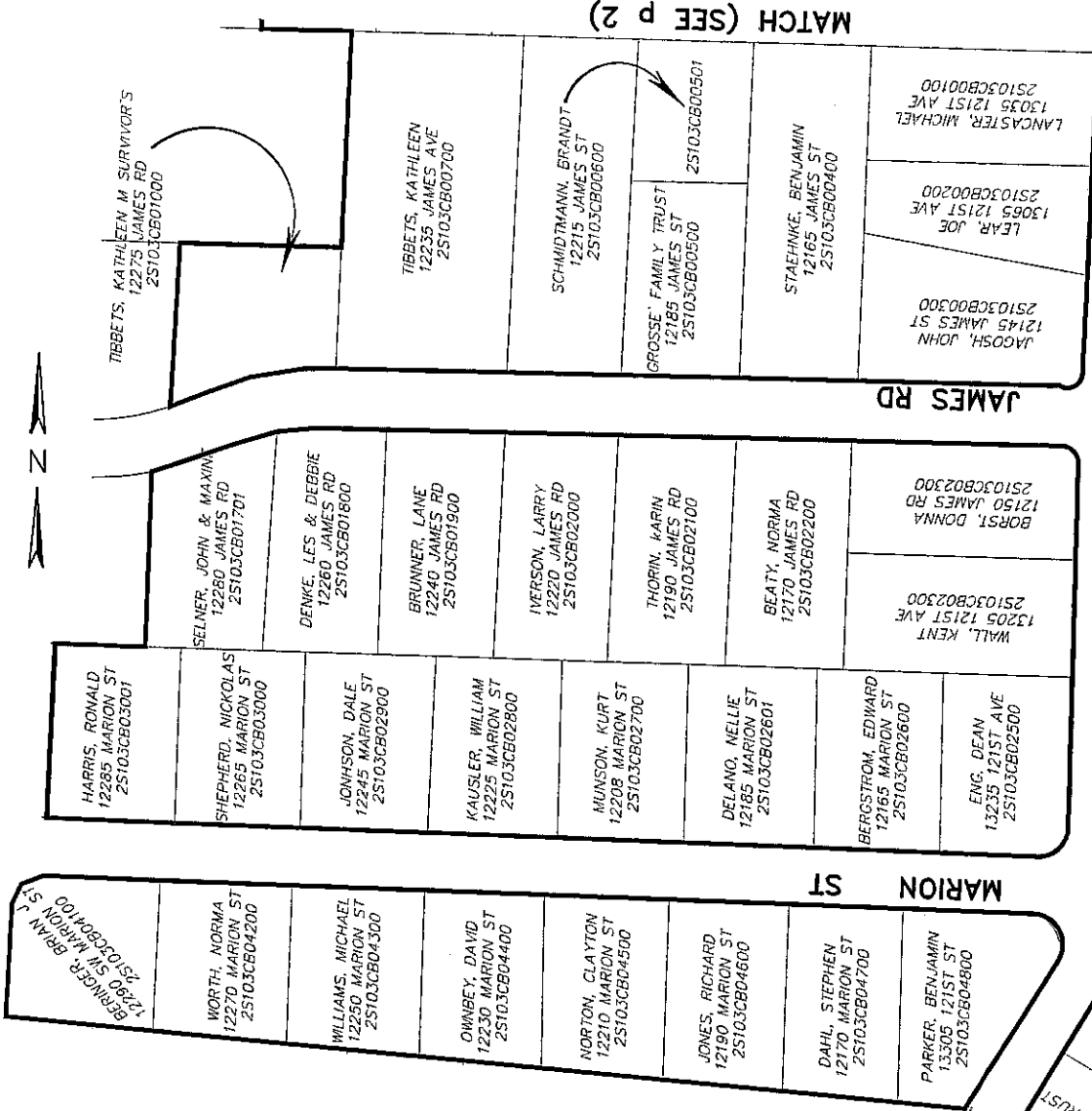
<b>Estimated Construction Cost</b>	<b>\$10,875</b>
15% contingency (construction)	\$1,631
<b>Estimated construction sub-total</b>	<b>\$12,506</b>
13.5% contingency (Admin & Eng)	\$1,688
<b>total project costs</b>	<b>\$14,195</b>
<b>SCHEDULE A</b>	<b>\$855,791</b>
<b>SCHEDULE B</b>	<b>\$14,195</b>
<b>TOTAL PROJECT COST SCHEDULE A AND B</b>	<b>\$869,986</b>



121ST AVENUE  
 SANITARY SEWER IMPROVEMENTS  
 REIMBURSEMENT DISTRICT #30  
 A PORTION OF THE SW 1/4 OF  
 SECTION 3 T2S R1W W.M.



**NOTE:**  
 All properties in district are zoned R4.5



121ST AVE

MATCH (See p 2)

MATCH (See p 2)

EXHIBIT B (p 1)

District boundary line

# 121ST AVENUE SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #30 A PORTION OF THE SW 1/4 OF SECTION 3 T2S R1W W.M.

**NOTE:**  
All properties in district are zoned R4.5

OLIVER, CHARLES 12300 ALBERTA AVE 25103BC03300	CHAVEZ, JAIME 12295 ALBERTA AVE 25103BC02300
NASH FAMILY TRUST 12270 ALBERTA AVE 25103BC03200	PEDERSEN, NORMAN 12265 ALBERTA AVE 25103BC02200
CONN, MICHAEL 12240 ALBERTA AVE 25103BC03100	SITZMAN, DEANE 12235 ALBERTA AVE 25103BC02100
OTTING, JOHN 12210 ALBERTA AVE 25103BC03000	DAVES, RICHARD 12205 ALBERTA AVE 25103BC02000
KELLY, DANIEL 12180 ALBERTA AVE 25103BC02900	GENTIS, STEVEN 12175 ALBERTA AVE 25103BC01900
STRENDING, EDWARD 12150 ALBERTA AVE 25103BC02800	LAPLANTE, FELIX 12145 ALBERTA AVE 25103BC01800
BUCHHOLZ, KYLE 12120 ALBERTA AVE 25103BC02700	BECKER, GORDON 12905 121ST AVE 25103BC01700

MATCH (SEE P 1)

MATCH (SEE P 1)

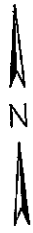
121ST AVE

SPANGLER, JAMES 13270 121ST AVE 25103CA50040	BETTENCOURT, RICHARD 13240 121ST AVE 25103CA00303	WILSON, RONALD 13200 121ST AVE 25103CA00307	MES, RUTH NO ADDRESS (VACANT) 03CA00311	MES, RUTH NO ADDRESS (VACANT) 03CA00310	JONES, RUTH WOOD TRUST NO ADDRESS (VACANT) 25103CA00309	VONADA, GREG 12020 121ST AVE 25103CA00302	MENDE, MICHAEL NO ADDRESS 25103CA00301
--	---	---	---	---	---	---	--

KIRCHER, ROBERT 12970 121ST AVE 25103BD03500	LOFGREN, RICHARD W 11935 SW FONNER ST 25103BD03500	JOSEPH, BRENDA M 11905 FONNER ST 25103CA00310	PALACIOS, ARMANDO 12920 121ST AVE 25103BD03400	SMITH, SANDRA 12280 121ST AVE 25103BD03300	RAVIERES, EDUARDO 12140 121ST AVE 25103BD03200
--	--	---	--	--	--

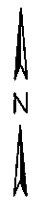
ALBERTA ST

OSGOOD, CHERYL 12845 121ST AVE 25103BC01600	REED, GEORGIA 12795 121ST AVE 25103BC01500	DUNNING, DRAKE 12745 121ST AVE 25103BC01400
---	--	---



District boundary line

121ST AVENUE  
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #30  
A PORTION OF THE SW 1/4 OF SECTION 3 T2S R1W W.M.



# Communications Plan

## 121<sup>st</sup> Avenue Sanitary Sewer Extension Program

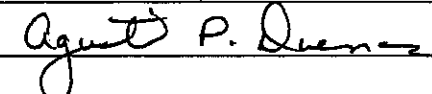
**Goal:** Construction Sanitary Sewer Extension for Reimbursement District No. 30.

**Timeline:** FY 04-05 Construction Season.

**Communication Goal:** To communicate to property owners within the Sanitary Sewer Reimbursement District the estimated cost of connecting to the public sanitary sewer line, the construction schedule, and final cost for the Reimbursement District.

Date	Item	Description	Responsibility
3/18/04	General Meeting	Explain Citywide San Sewer Extension Program to property owners proposed to be included in a Reimbursement District for FY04-05	Vannie Greg
4/8/03	Neighborhood Meeting Notice	Mail 4/21/04 meeting notices to property owners within proposed Reimbursement District.	Diane Bethany
4/8/03	Events Calendar/Web Page	Post Meeting on Events Calendar and post map of District on Reimbursement District website.	Diane
4/21/04	Neighborhood Meeting	Meet with property owners to review estimated costs and construction activity.	Vannie Greg Westlake
6/28/04	Formation Hearing Notice	Mail Formation Hearing Notice to Property Owners within proposed Reimbursement District.	Diane Bethany
6-18-04	Advertisement	Submit Advertisement to DJC to publish 6/22/04 and TT to publish 6/24/04 for Construction of Reimbursement District.	Diane Bethany
7/13/04	Formation Hearing with CC	Public Hearing with City Council to review formation of proposed Reimbursement District.	Greg
7/14/04	Notice of Decision	Mail Notice of City Council's Decision to property owners within Reimbursement District	Diane Bethany
7/13/04	Bid Opening	Opening of Bids at public bid opening.	Vannie Diane
7/13/04	City Council Submittal	Submit Agenda item summary - recommend contract be awarded to low bidder if appropriate.	Vannie
7/20/04	City Council/LCRB	City Council – Awards or rejects contract.	Gus
7/21/04	Award Bid	Send NOA and contract documents to lowest bidder after awarded by CC.	Diane Bethany
7/04	Pre-Construction Meeting	Inspector and Contractor meet prior to beginning work to go review proposed work and establish communication plan.	Mike Mills
8/2/04	Notice to Proceed	Issue NTP after Performance Bond and Insurance Certificates received and contract is signed.	Diane Bethany
8//04	Traffic Control Plan	Plan needs to be approved by construction inspector and project manager	Mike Mills Vannie
8/04	Lateral Locations	Confirm with property owners location of laterals	Mike Mills
8/04	Construction Inspection	Inspector is available to receive and respond to complaints	Mike Mills
8/04	Construction Notice	Hang Construction Notice on doorknobs of property owners impacted by project	Mike Mills Contractor
10/04	Notice to property owners of Assessment Hearing with CC	Send hearing notice, Resolution, property owner cost to each property owner.	Greg Diane/Bethany
10/04	Notice of Assessment	Send Resolution with attachments to each property owner	Greg Diane/Bethany

Prepared by: Diane M. Jelderks, Senior Administrative Specialist

Approved by:  Agust P. Quenz

June 28, 2004

# NOTICE

## Informational Hearing

NOTICE IS HEREBY GIVEN  
THAT THE **TIGARD CITY COUNCIL**  
AT A MEETING ON  
**TUESDAY, July 13, 2004 AT 7:30 PM**  
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER  
13125 SW HALL BLVD  
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

**Proposed Sanitary Sewer Reimbursement District No. 30.**  
(SW 121<sup>st</sup> Avenue)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW 121<sup>st</sup> Avenue.

*Both public oral and written testimony is invited.*

The public hearing on this matter will be conducted as required by  
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 718-2468 or at [www.ci.tigard.or.us](http://www.ci.tigard.or.us).

## **Proposed Sanitary Sewer Reimbursement District No. 30 (SW 121<sup>st</sup> Avenue)**

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share is summarized in the attached tables. The lots have been divided into two groups.

The Schedule A group includes the sixty-seven lots that will be provided with service from a new line. Each owner in this group will be assigned a fair share of the cost of the project based on the area of the lot served.

The remaining three lots south of Howard Drive will be included in the Schedule B group. These lots could be served from an existing sewer mainline in SW 121<sup>st</sup> Avenue by individual connection lines from the mainline. The work included in the Schedule B portion of the proposed district will be limited to the installation of these connection lines. Each owner will be assigned an equal fair share of the total cost of installing the connection lines.

The amounts for both portions of the project will be revised once construction is completed and final costs are determined. An annual increase of 6.05% simple interest will also be applied to this amount.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

The owner would also be required to pay a connection fee of \$2,535 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

2S103CB-02200  
BEATY NORMA A  
12170 SW JAMES ST  
TIGARD, OR 97223

2S103BC-01700  
BECKER GORDON S AND  
MARJORIE K  
12905 SW 121ST AVENUE  
TIGARD, OR 97223

2S103CB-02600  
BERGSTROM EDWARD A  
12165 SW MARION  
TIGARD, OR 97223

2S103CB-04100  
BERINGER BRIAN J & ANN L  
12290 SW MARION ST  
TIGARD, OR 97223

2S103CA-00303  
BETTENCOURT RICHARD ELLIS &  
LORRAINE  
13240 SW 21ST AVE  
TIGARD, OR 97223

2S103CB-02300  
BORST DONNA S  
12150 SW JAMES  
TIGARD, OR 97223

2S103CD-04400  
BROWN MICHAEL J &  
RIES-BROWN JUNITA M  
13530 SW 121ST ST  
TIGARD, OR 97223

2S103CB-01900  
BRUNNER LANE E & CYNTHIA M  
12240 SW JAMES ST  
TIGARD, OR 97223

2S103BC-02700  
BUCHHOLZ KYLE J  
12120 SW ALBERTA ST  
TIGARD, OR 97223

2S103BC-02300  
CHAVEZ JAIME A & KAREN  
12295 SW ALBERTA ST  
TIGARD, OR 97223

2S103BC-03100  
CONN ALISSA L & MICHAEL L  
12240 SW ALBERTA ST  
TIGARD, OR 97223

2S103CB-04700  
DAHL STEPHEN MARION S  
12170 SW MARION  
TIGARD, OR 97223

2S103BC-02000  
DAWES RICHARD C & LISA A  
12205 SW ALBERTA ST  
TIGARD, OR 97223

2S103CB-02601  
DELANO NELLIE M & GARY W  
12185 SW MARION ST  
TIGARD, OR 97223

2S103CB-01800  
DENKER LES & DEBBIE  
12260 SW JAMES ST  
TIGARD, OR 97223

2S103BC-01400  
DUNNING DRAKE D &  
MARY P  
12745 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-02500  
ENG DEAN  
10014 SE CLINTON AVE  
PORTLAND, OR 97266

2S103BC-01900  
GENTIS STEVEN W  
12175 SW ALBERTA  
TIGARD, OR 97223

2S103CB-00500  
GROSSE' FAMILY TRUST  
BY GROSSE' EUGENE R/ELIZABETH F TRS  
12185 SW JAMES ST  
TIGARD, OR 97223

2S103BD-03000  
GROSSWILER R EDWARD &  
CATE LUCY M  
12780 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-03001  
HARRIS RONALD C AND LILA S  
1225 PARK AVE #12C  
NEW YORK, NY 10128

2S103CB-02800  
KAUSLER WILLIAM M & MELISSA J  
12225 SW MARION ST  
TIGARD, OR 97223

2S103CA-02000  
HAWKINS CYNTHIA J  
13460 SW 121ST AVE  
TIGARD, OR 97223

2S103BC-02900  
KELLY DANIEL D & MELODIE  
12180 SW ALBERTA  
TIGARD, OR 97223

2S103CB-02000  
IVERSON LARRY T & SANDRA L  
12220 SW JAMES ST  
TIGARD, OR 97223

2S103BD-03500  
KIRCHER ROBERT B  
PHYLLIS F  
12970 SW 121ST  
TIGARD, OR 97223

2S103CB-00300  
JAGOSH JOHN  
12905 SW 135TH AVE  
TIGARD, OR 97223

2S103CB-00100  
LANCASTER MICHAEL T AND  
PATRICIA  
13035 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-02900  
JOHNSON H DALE AND  
GRACE V TRUSTEES  
12245 SW MARION  
TIGARD, OR 97223

2S103BC-01800  
LAPLANTE FELIX F AND SALLY J  
12145 SW ALBERTA STREET  
TIGARD, OR 97223

2S103CA-00309  
JONES HOLDINGS LLC  
BY RUTH WOOD JONES  
1132 SW 57TH AVE  
PORTLAND, OR 97221

2S103CB-00200  
LEAR JOE JR & JOANN  
13065 SW 121ST  
TIGARD, OR 97223

~~2S103CA-00310~~  
~~JONES HOLDINGS LLC~~  
~~BY RUTH WOOD JONES~~  
~~1132 SW 57TH AVE~~  
~~PORTLAND, OR 97221~~ *Dup*

2S103BD-03600  
LOFGREN RICHARD W & PATRICIA M  
11935 SW FONNER ST  
TIGARD, OR 97223

~~2S103CA-00311~~  
~~JONES HOLDINGS LLC~~  
~~BY RUTH WOOD JONES~~  
~~1132 SW 57TH AVE~~  
~~PORTLAND, OR 97221~~ *Dup*

2S103CA-00301  
MENDE MICHAEL J  
14775 NW JEWELL LN  
PORTLAND, OR 97229

2S103CB-04600  
JONES RICHARD W  
SHARON R  
12190 SW MARION ST  
TIGARD, OR 97223

2S103CB-02700  
MUNSON KURT R AND JULIA H  
12205 SW MARION ST  
TIGARD, OR 97223

2S103BD-03700  
JOSEPH BRENDA M &  
BRUMMETT JUSTIN P  
11905 SW FONNER ST  
TIGARD, OR 97223

2S103BC-03200  
NASH FAMILY REV LIV TRUST  
BY DOUGLAS E/NANCY LOU NASH TRS  
12270 SW ALBERTA AVE  
TIGARD, OR 97223



2S103CA-00500  
NORRIS LONNIE D AND  
MARILYN M  
13300 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-04500  
NORTON CLAYTON E  
12210 SW MARION ST  
TIGARD, OR 97223

2S103BC-03300  
OLIVER CHARLES A/BETH M  
12300 SW ALBERTA ST  
TIGARD, OR 97223

2S103BC-01600  
OSGOOD CHERYL &  
WORRELL TERRY D &  
YATES JONATHAN  
11782 SW SWENDON LOOP  
TIGARD, OR 97223

2S103BC-03000  
OTTING JOHN H  
c/o OTTING STEPHEN J  
8885 SW O'MARA  
TIGARD, OR 97223

2S103CB-04400  
OWNBEY DAVID LLOYD &  
PATRICIA ANNE  
12230 SW MARION ST  
TIGARD, OR 97223

2S103BD-03400  
PALACIOS ARMANDO & PATRICIA &  
PALACIOS RUBEN & OLGA  
12920 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-04800  
PARKER BENJAMIN J & KIMBERLY A  
13305 SW 121ST AVE  
TIGARD, OR 97223

2S103BC-02200  
PEDERSEN NORMAN LEROY & ALICE M  
12265 SW ALBERTA ST  
TIGARD, OR 97223

2S103CA-00603  
PETITT THOMAS J & ERIN D  
13400 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-04200  
PRICE JOHN H & NORMA J  
12270 SW MARION ST  
TIGARD, OR 97223

2S103BD-03200  
RAMIREZ EDUARDO & LUCIA  
12840 SW 121ST AVE  
TIGARD, OR 97223

2S103BC-01500  
REED GEORGIA J LIVING TRUST  
12795 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-00501  
SCHMIDTMANN BRANDT & KAREN K  
12215 SW JAMES ST  
TIGARD, OR 97223

2S103CB-00600  
SCHMIDTMANN BRANDT & KAREN K  
12215 SW JAMES ST  
TIGARD, OR 97223

2S103CB-01701  
SELNER JOHN JOSEPH & MAXINE ELL  
12280 SW JAMES ST  
TIGARD, OR 97223

2S103CB-03000  
SHEPHERD NICHOLAS M &  
THORKELSON APRIL L  
12265 SW MARION ST  
TIGARD, OR 97223

2S103BC-02100  
SITZMAN DEANE D/ANNA L  
12235 SW ALBERT ST  
TIGARD, OR 97223

2S103CA-00602  
SJULIN-GREGER FAMILY TRUST  
BY SJULIN JAMES M &  
GREGER GAY L TRS  
4028 SE SALMON  
PORTLAND, OR 97214

2S103BD-03300  
SMITH SANDRA T  
12880 SW 121ST  
TIGARD, OR 97223

2S103CA-00400  
SPANGLER JAMES P & KAREN L  
13285 SW HOWARD DR  
TIGARD, OR 97223

2S103CA-00307  
WILSON RONALD R DIANE M  
13200 SW 121ST  
TIGARD, OR 97223

2S103CB-00400  
STAEHNKE BENJAMIN M  
VIRGINIA L  
12165 SW JAMES  
TIGARD, OR 97223

2S103BC-02800  
STRENDING EDWARD MARIANN  
12150 SW ALBERTA  
TIGARD, OR 97223

2S103CB-02100  
THORIN G KARIN  
PO BOX 23125  
TIGARD, OR 97281

2S103CB-00700  
TIBBETS KATHLEEN M  
12235 SW JAMES ST  
TIGARD, OR 97223

2S103CB-01000  
TIBBETS KATHLEEN M SURVIVOR'S T  
BY TIBBETS KATHLEEN M &  
MCCOY MICHAEL R/COLIN S TRS  
12275 SW JAMES ST  
PORTLAND, OR 97223

2S103CD-04500  
ULLRICH RICHARD L  
SHARON L  
13500 SW 121ST AVE  
TIGARD, OR 97223

2S103CA-00302  
VONADA GREG E & REBECCA M  
12020 SW FONNER ST  
TIGARD, OR 97223

2S103CB-02400  
WALL KENT N & FRANCES P  
13205 SW 121ST AVE  
TIGARD, OR 97223

2S103CB-04300  
WILLIAMS MICHAEL R  
12250 SW MARION STREET  
TIGARD, OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

**A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM**

---

**WHEREAS**, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

**WHEREAS**, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

**WHEREAS**, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

**WHEREAS**, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

**WHEREAS**, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

**NOW, THEREFORE, BE IT RESOLVED** by the Tigard City Council that:

**SECTION 1:** Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

**SECTION 2:** A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, whichever is later, as shown on the attached Table 1.

**SECTION 3:** To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

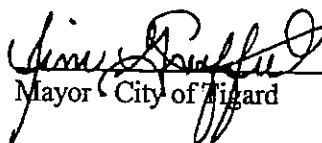
**SECTION 4:** The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

**SECTION 5:** Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

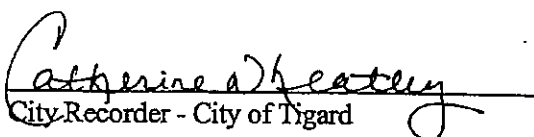
**SECTION 6:** The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

**EFFECTIVE DATE:** July 10, 2001

**PASSED:** This 10<sup>th</sup> day of July 2001.

  
Mayor - City of Tigard

**ATTEST:**

  
City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

**TABLE 1**  
**Reimbursement Districts with Refunds Available**

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 <sup>TH</sup> & JOHNSON No.12	5,598	No reimbursement available	
100 <sup>TH</sup> & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 <sup>ST</sup> No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

\* Currently being constructed

**CITY OF TIGARD, OREGON**

**RESOLUTION NO. 03- 55**

**A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).**

---

**WHEREAS**, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

**WHEREAS**, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

**WHEREAS**, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

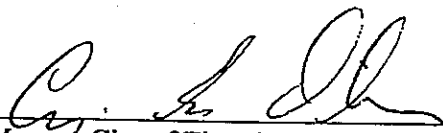
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

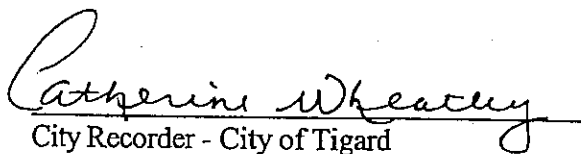
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14<sup>th</sup> day of October 2003.

  
~~Mayor City of Tigard~~  
Craig E. Dirksen, Council President

ATTEST:

  
Catherine Whearey  
City Recorder - City of Tigard

K:\eng\reg\reimbursement districts\revisions res 01-48 aug 28 03\oct 14 03 council\10-14-03 addition to res 1-48 res.doc